

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BOARD OF MASSAGE THERAPISTS

5  
6 MINUTES OF THE MEETING  
7 December 16, 2021  
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62  
10 Article 6, a scheduled meeting of the Board of Massage Therapists was held via videoconference and at  
11 State Office Bldg., 9<sup>th</sup> Floor, Conference Room A, December 16, 2021  
12

13 **These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and**  
14 **Professional Licensing. These minutes have not been reviewed or approved by the board.**  
15

16 **Agenda Item 1 Call to Order/Roll Call:**  
17

18 The meeting of the Board of Massage Therapists was called to order by David Edwards-Smith, Chair at  
19 9:00 a.m. Members present were:  
20

21 **Board Members present, constituting a quorum:**  
22

23 David Edwards-Smith, Board Chair, Licensed Massage Therapist  
24 Jill Motz, Vice Chair, Licensed Massage Therapist  
25 Kristin Tri, Licensed Massage Therapist  
26 Julie Endle, Public Member  
27

28 **Division Staff present:**  
29

30 Reid Bowman, Records and Licensing Supervisor  
31 Colleen Kautz, Program Coordinator  
32 Marilyn Zimmerman, Paralegal II  
33 Sara Chambers, Division Director  
34 Jennifer Summers, Investigator III  
35 Shauna Muraco, Investigator III  
36 Amber Whaley, Sr. Investigator III  
37  
38

39 **Public Joining Telephonically**  
40

41 Jean Rogan, Public  
42 Jaycee Soriano, Public  
43 Traci Gilmour, Public  
44

45 **Agenda Item 2 Review/Approve Agenda**  
46

47 The board reviewed the agenda and offered no amendments or adjustments.  
48

49 **In a motion made by Julie Endle, seconded by Jill Motz, and passed with unanimous consent, it**  
50 **was RESOLVED to APPROVE the agenda as presented.**  
51

52 **Agenda Item 3 Ethics Reporting**

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54 The Board reviewed the provided ethics information. There were no ethics violations reported.  
55

56 **Agenda Item 4 Public Comment**

57  
58 Public comment was invited from all attending members of the public. All declined except Ms. Gilmour  
59 who voiced concerns about delays in renewal for those applicants who are under mandatory audits and,  
60 consent agreements. Ms. Gilmour identified various issues surrounding the topic. Ms. Gilmour stated  
61 she was advocating for a licensee who was subject to mandatory audit and experienced renewal delays.  
62 Ms. Gilmour identified 11 issues surrounding the topic. Ms. Gilmour identified a perceived lack of  
63 guidance from the board on the website about how to proceed with renewals while under audit  
64 requirements. A lack of communication with Division staff and verbal guidance were also perceived as  
65 in need of improvement. Ms. Gilmour proposed changes in consent agreements to allow online  
66 renewals for auditees with the provision that the license would be removed if they did not complete  
67 continuing education to expectations. Ms. Gilmour also stated there is a lack of information on how to  
68 attend and prepare for board meetings on the board website. There was also a suggestion to amend 12  
69 AAC 79.220 to specify timelines and guidance for ce submission. Ms. Gilmour stated there needed to be  
70 more ways to contact Division staff as not all licensees want to use computers or MyAlaska systems.  
71 Ms. Gilmour suggested the board change the audit process for mandatory audits to pre-approve  
72 continuing education courses for those auditees who had previously failed an audit, and an update to  
73 the frequently asked questions on the board website. Ms. Gilmour also advocated for the board to  
74 change statute and regulations language to simpler terms for licensees to better understand licensing  
75 requirements.  
76

77 The board recessed at 9:19 a.m. returning at 9:30 a.m.

78 **Agenda Item 5 Investigations**

79  
80 **A. Investigative Report**

81  
82 Investigator Shauna Muraco informed the board for the period of September 1, to November 19, 2021  
83 there were 11 open cases, and 12 closed cases, with an additional case closed since November 19.  
84 Investigator Muraco stated no in-person inspections had occurred yet. Investigator Muraco stated there  
85 were no cases to present. Investigator Jennifer Summers was introduced as the new senior investigator  
86 covering the board  
87

88 **B. Investigative Memo**

89  
90 There were no memos to present at this meeting.  
91

92 **C. CE Audits**

93  
94 Mr. Bowman informed the board that there was a continuing education consent agreement to be  
95 considered that may require an executive session.  
96

97 **In a motion duly made by Julie Endle, seconded by Kristin Tri, it was RESOLVED to ENTER into**  
98 **Executive Session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to**  
99 **Privacy Provisions, for the purpose of discussing “subjects that tend to prejudice the**  
100 **reputation and character of any person, provided the person may request a public discussion;”**  
101 **All Division staff to remain during Executive Session.**

The board entered executive session at 9:36 a.m., and returned from executive session at 9:52 a.m.

The board made the following motion regarding the case they reviewed in executive session:

**In a motion made by Julie Endle, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to ACCEPT the consent agreement for case #2021-00186.**

#### **Agenda Item 6 Potential Action Items**

##### **A. Transcript Analysis of Licensing by Examination**

Mr. Edwards-Smith initiated discussion about what is working well as a board and serving the profession and public. Mr. Edwards – Smith suggested that the board simplify massage school educational requirements to meet statutory requirements for 625 hours in length, but eliminate how those hours must be allocated, to ease transcript analysis tasks by the board and applicants. The board engaged in robust discussion about how to simplify that process both for examination and credentials. The board came to a consensus that single modality schools will not be accepted for credit, and that hours must be earned through an approved massage school. Ms. Motz stated a desire for people licensed previously to be protected from new regulations enacted in future renewals as well as to have a deadline for people finishing their education under the current path to complete that process under the existing rules. Discussion of approval for applicants with less than 625 hours but continuing education hours was held but was deemed to be inconsistent with statutory requirements for 625 hours of education from an approved massage school.

##### **B. Transcript Analysis of Licensing by Credential**

Discussion of transcript analysis by credential occurred concurrently with the previous topic.

**In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it was RESOLVED to START a regulation project to accommodate the following changes to 12 AAC 79.140 and remove (a) (1-6) and replace them with “For applications submitted on or after effective date, applicants must show successful completion of a board approved massage therapy program of at least 625 hours and the practical application portion of the curriculum does not exceed more than 20% of total hours of the program. Practical application is defined as the hands-on application of various clinical modalities dedicated to the practice of massage therapy.”**

**TASK: Mr. Edwards -Smith will contact the NCBTMB and ask them to update their documentation to reflect Alaska’s existing 625-hour requirement.**

The board recessed at 10:55a.m. returning at 11:06 a.m.

##### **C. Review of Licensing by Examination Education Requirements 12 AAC 79.140 Massage School Education Requirements**

Item C was covered under the auspices of the previous two items and included in the motion under item B.

##### **D. License Renewal Timeframe**

Mr. Edwards – Smith proposed the board discuss the incongruity between reinstatement periods between centralized regulations and current massage therapy regulation. Ms. Motz explained the board has looked at this issue previously and stated little value to reviewing the issue. The discussion was delayed until Director Chambers was available to help provide guidance on concerns about potential conflicts.

150 **E. License Issuance Before Completion of Background Check**

151 Staff and board members discussed the licensing hurdles and delays created by this program waiting to  
152 issue licenses before background checks were received. After extensive discussion the board concluded  
153 there was not a compelling reason to incur the public safety risk of potential human or sexual trafficking  
154 which may be incurred with license issuance prior to the background check being received.

156 **F. License Renewal Late Fee discussion**

157 At the Division's request, this topic was initiated to streamline renewals by not requiring late renewals  
158 to be submitted to the board for renewal, and possible inclusion of a late renewal fee. The question was  
159 raised about where potential late fees would be credited, which was deferred until Director Chambers  
160 was available to answer financial questions.

161  
162 The board recessed from 11:45 a.m. until 1:18 p.m. for lunch

164 **Agenda Item 8 Division Update**

165 **A. Division Update**

166 Division Director Sara Chambers presented the financial update for the 4<sup>th</sup> quarter of Fiscal Year (FY)  
167 2021, as well as the 1<sup>st</sup> quarter of FY 2022. Ms. Chambers explained the intricacies of program income,  
168 direct and indirect expenses, and explained legislative appropriations which added to program income  
169 to offset a moratorium enacted by the Governor on fee increases.

170  
171 Ms. Chambers concluded the discussion with an explanation that there would likely be a deficit going  
172 forward in program revenues over the coming biennial period. Mr. Edwards – Smith explained the  
173 board's actions previously in the meeting to assist with streamlining application processing by  
174 attempting to eliminate the transcript analysis process, to reduce staff usage.

175  
176 Ms. Chambers stated the Division was hoping for a different outcome on allowing licensure prior to  
177 background check receipt, but that it was the board's prerogative and the Division would stand by their  
178 decision. Discussion was held regarding the true delays caused by slow fingerprint processing to  
179 applicants, and the risk/reward of streamlining that process. Ms. Motz requested data about how many  
180 people are held up by slow fingerprint processing and whether background checks are the causal factor  
181 in the slowdown in license processing. Mr. Bowman was tasked with reporting information to the board  
182 with information about how this issue is affecting license issuance at the next meeting.

183  
184 **TASK: Mr. Bowman will report to the board how background check delays are affecting licensure**  
185 **timelines at the next meeting.**

186 Ms. Chambers assured the board there are no conflicts with centralized regulations regarding  
187 reinstatement dates at 3 years. Ms. Chambers also clarified that a renewal late fee could be instituted  
188 by a change in the massage therapist regulations with a parallel change in the centralized regulations.  
189 The board concluded that more information was needed and the topic of renewal as opposed to  
190 reinstatement would be discussed at the next meeting.

191  
192 **B. Senate Bill (SB) 21**

193 Ms. Chambers briefed the board on the requirements of SB 21 mandating expedited licensure for active  
194 duty military personnel or spouses. Ms. Chambers explained the main part of the legislation requires  
195 timely issuance of a short-term license for those applicants who hold a license in good standing in  
196 another jurisdiction with substantially equivalent requirements. The board's role will be to determine  
197 what equivalency is, in order to issue a 180-day license until permanent licensure is possible. The  
198 legislative intent of this bill is to not require an applicant to meet all requirements of permanent  
199 licensure but have assurance the licensee can practice safely and competently. Ms. Tri asked if there

was a fee required and Ms. Chambers replied that a military temporary license fee would apply. Ms. Tri also asked whether under this bill continuing education could be considered as hours of education to meet statutory licensing requirements. Ms. Chambers stated there would be more flexibility to determine equivalency under this law and the board could either specifically regulate the requirements or leave them more general and have the flexibility to decide on a case by case basis. Ms. Chambers explained the bill requires a license be issued within 30 days of receiving a completed application, which will require a meeting to decide if the board chose the case by case option. Mr. Edwards-Smith asked for volunteers for a subcommittee to work on this issue. Ms. Tri and Ms. Motz volunteered to be members of the working group.

The board recessed at 3:10 p.m. returning at 3:16 p.m.

#### **Agenda Item 9 Application Review**

##### **A. B.F.**

A review was held of Beth Fletcher's tabled application. Ms. Fletcher's application was initially tabled for further discussion about the educational qualifications. Mr. Edwards-Smith stated the issue with her application lay in the legally proven precedent specifying the Rolf Institute for Structural Integration was not a massage school as required by statute. Ms. Motz explained there was a pathway to licensure if the applicant met all the requirements of the transcript analysis process, which would require additional education from an approved massage school. The board discussed the best way to proceed would be to provide the choice to Ms. Fletcher whether she would prefer to keep the application open and seek further massage education, or to withdraw the application and be refunded applicable fees

**In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it was RESOLVED to APPROVE the application for Beth Fletcher PENDING meeting the educational requirements as outlined in 12 AAC 79.140.**

##### **B. Y.O.H.**

The board reviewed and discussed the application by exam for Yun Ok Heo. Questions arose about the applicability of the education cited by the applicant. The massage school (JK Holy Career Institute) the applicant graduated from had their NCBTMB accreditation withdrawn on 11/21/2019.

**In a motion made by Jill Motz, seconded by Kristin Tri it was RESOLVED to APPROVE the application by exam for 174228 Yun Ok Heo. The motion was unanimously denied citing AS 08.61.030.**

##### **C. J.S.**

The board reviewed the reinstatement application for Jaycee Soriano, and found they met requirements to renew their license.

**In a motion made by Julie Endle, seconded by Jill Motz, and approved unanimously with a roll call vote, it was RESOLVED to APPROVE Jaycee Soriano's renewal with a yes answer.**

##### **D. J.W.**

The board reviewed the continuing education audit submission for mandatory audit for Jessi Whittom. Discussion was initiated about the regulatory requirements for ethics submission, which was missing from the submission. The board determined regulation 12 AAC 79.210 (3) was not clearly defined and requested a clarification from the regulation specialist regarding the requirement. No action was taken pending further information being provided to the board.

#### **Agenda Item 6 Potential Action Items**

##### **G. Communication regarding Onboard Voting**

The board stated a preference for uploads to the board by staff every other Friday at 5 p.m. and requested no more than 20 random audit submissions per upload, since random audits do not delay licensure or reinstatements.

#### **Agenda Item 10 Administrative Business**

##### **A. Set next meeting dates**

The next meeting dates were confirmed as the following:

2/17-2/18/2022	Juneau
6/16-6/17/2022	TBD
9/12 – 9/13/2022	TBD
12/12 – 12/13/2022	TBD

##### **B. Review/Approve September Minutes**

**In a motion made by Julie Endle, seconded by Jill Motz, and passed with unanimous consent, it was RESOLVED to APPROVE the September 2021 meeting minutes as presented.**

##### **C. Review Previous Task List**

The previous task list referred to Ms. Motz and Ms. Sullivan rebuilding the frequently asked questions (faq). Ms. Motz agreed to work on the faq's and forward the changes to Mr. Bowman.

##### **D. Correspondence**

Correspondence from Karlan Bachmann was discussed regarding the duration allowed by the board for static cupping. The board referred the correspondent to act within the published standards of practice and scope of training and competence, the correspondent was directed to the published code of ethics specifically items one and two which prescribe working within their educational competency.

The board recessed at 4:16 p.m. returning at 4:20 p.m.

#### **Agenda Item 4 Public Comment**

Public comment was allowed outside of the Scheduled agenda time to hear Ms. Jean Rogan who was unaware her application was not scheduled to be discussed at this meeting. Ms. Rogan discussed her frustrations with the application process and delays in licensure. Mr. Bowman stated he would contact Ms. Rogan with more information the next day and attempt to address her concerns.

#### **Agenda Item 11 Adjourn**

At this time, the board concluded all scheduled board business.

**In a motion made by Jill Motz, seconded by Kristin Tri, and passed with unanimous consent, it was RESOLVED to ADJOURN.**

Hearing no further business, Chair David Edwards-Smith adjourned the meeting and the record ended at 4:36 p.m.

Respectfully submitted:

\_\_\_\_\_  
Reid Bowman, Records and Licensing Supervisor

Approved:

\_\_\_\_\_  
David Edwards-Smith, Chairperson  
Board of Massage Therapists

Date: \_\_\_\_\_